

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF MISSISSIPPI,  
ABERDEEN DIVISION**

**DEANNA FARR**

**PLAINTIFF**

V.

**CASE NO. 1:16cv42-SA-DAS**

**GSV CARE MEDICAL CLINIC, LLC and  
MANDA S. GRIFFIN, INDIVIDUALLY**

**DEFENDANTS**

**DEFENDANT, GSV CARE MEDICAL CLINIC, LLC'S  
ANSWER AND AFFIRMATIVE DEFENSES**

Defendant, Gsv Care Medical Clinic, LLC, by and through undersigned counsel, pursuant to and all applicable rules and statutes, files its Answer and Affirmative Defenses as follows:

**DEFENDANT'S ORIGINAL ANSWER**

Pursuant to Federal Rule of Civil Procedure 8(b), Defendant responds to the allegations in each corresponding paragraph of the Complaint as follows:

**NATURE OF SUIT**

1. Denied.
2. Denied.
3. Denied.

**JURISDICTION**

4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.

**PARTIES**

8. Admitted.

9. Admitted.

10. Admitted.

11. Admitted.

### **COVERAGE**

12. Admitted.

13. Admitted.

14. Admitted.

15. Denied.

16. Denied.

17. Denied.

18. Denied.

19. Paragraph 19 and its subparts are denied.

20. Denied.

21. Denied.

22. Denied.

23. Denied.

### **FACTUAL ALLEGATIONS**

24. The defendant reincorporates and readopts all previous defenses and denials as if set forth fully herein.

25. Admitted.

26. Denied.

27. Admitted.

28. Denied.

29. Denied.

30. Denied.

31. Denied.

32. Denied.

33. Denied.

34. Denied.

35. Denied.

36. Denied.

37. Denied.

**COUNT I-RECOVERY OF OVERTIME COMPENSATION AGAINST DEFENDANTS**

38. The defendant reincorporates and readopts all previous defenses and denials as if set forth fully herein.

39. Denied.

40. Denied.

41. Denied.

42. Admitted.

43. Admitted.

44. Admitted.

45. Denied.

46. Denied.

47. Denied.

48. Denied.

49. Denied.

**COUNT II-DECLARATORY RELEIF AGAINST DEFENDANTS**

50. The defendant reincorporates and readopts all previous defenses and denials as if set forth fully herein.

51. Denied.

52. Denied.

53. Denied.

54. Denied.

55. Denied.

56. Denied.

57. Denied.

58. Denied.

59. Denied.

60. Denied.

61. Denied.

62. Denied.

63. Denied.

WHEREFORE, PREMISES CONSIDERED, The Defendant, GSV Care Medical Clinic, LLC, respectfully requests the Court to issue an Order denying the last, unnumbered paragraph of the Complaint, along with its subparagraphs and further requests an Order dismissing this action with prejudice.

**JURY DEMAND**

Denied.

**AFFIRMATIVE DEFENSES**

**First Affirmative Defense**

1. The Complaint fails to state a claim upon which relief may be granted.

**Second Affirmative Defense**

2. Plaintiff's claims are barred, in whole or in part, by the applicable statute of limitations.

**Third Affirmative Defense**

1. Defendants invoke the defenses, protections and limitations of the Fair Labor Standards Act, 29 U.S.C. §201 et seq. ("FLSA").

**Fourth Affirmative Defense**

4. At all times, Defendants acted in good faith and had reasonable grounds for believing their actions were in compliance with the FLSA.

**Fifth Affirmative Defense**

5. Defendants did not know or show reckless disregard for whether their conduct was prohibited by the FLSA.

**Sixth Affirmative Defense**

6. This action is barred to the extent Plaintiff seeks recovery for time that is not compensable time, i.e. "hours worked" under the FLSA.

**Seventh Affirmative Defense**

7. In the alternative, Defendants are entitled to offset monies or other consideration paid or provided to Plaintiff by Defendants for periods in which Plaintiff was not engaged to work.

**Eight Affirmative Defense**

8. To the extent that Plaintiff may seek punitive damages, Plaintiff's recovery is limited by applicable provisions of the FLSA and the Mississippi and/or United States Constitutions. Any award of punitive damages to Plaintiff in this case would be in violation of the FLSA and the constitutional safeguards provided to Defendants under the Constitution of the United States and/or the laws of the State of Mississippi.

**Ninth Affirmative Defense**

9. Plaintiff is not entitled to punitive/liquidated damages as Defendants did not act or fail to act in a manner sufficient to give rise to punitive/liquidated damages liability.

Respectfully submitted this the 29<sup>th</sup> day of March, 2018.

**GSV CARE MEDICAL CLINIC, LLC,  
DEFENDANT**

By: \s\ John C. Hall, II  
JOHN C. HALL, II

OF COUNSEL:

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**CERTIFICATE OF SERVICE**

I, John C. Hall, II, do hereby certify that I have mailed via United States Postal Service, postage prepaid, or via electronic mail, a true and correct copy of the foregoing to:

Walter Howard Zinn Jr  
PO Box 1021  
Pontotoc, MS 38863-1021  
Phone: (662) 586-1450  
Email: [walterhowardzinn@gmail.com](mailto:walterhowardzinn@gmail.com)

This the 29<sup>th</sup> day of March, 2018.

/s/ John C. Hall, II  
John C. Hall, II